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## “Good Reads” in the Law Library?<sup>\*</sup>

Mary Whisner<sup>\*\*</sup>

*Considering the question of why law librarians should suggest books to their patrons for discretionary reading, Ms. Whisner explores the reasons people read and finds that law libraries have many “good reads” that can satisfy at least some patrons’ needs.*

¶1 A common public library mission is to provide leisure-reading material for its patrons. Serving that mission, our colleagues in public libraries do all sorts of things to promote reading. They prepare brochures and bookmarks listing books by genre or theme. They try to stock multiple copies of bestsellers and books popular with reading groups (including Oprah’s television reading group). They create attractive displays to highlight new or classic books. Children’s services librarians host story times and run summer reading programs. The American Library Association publishes posters of celebrities with the simple imperative: “READ.” What about us law librarians? Is there anything we can do to encourage our patrons to read about the law?

¶2 Many might answer that all of our books are too boring to read unless you have to. I don’t buy that. It is true that much of any law library collection will fall outside the class of “good reads,” even for the most determined reader. Consider the thousands of feet of shelf space filled with reporters,<sup>1</sup> codes, and loose-leaf services. Hornbooks, nutshells, practice manuals, and law reviews are fine for research purposes, but they are generally not suitable for leisure reading.<sup>2</sup> Even among our monographs, a high proportion are technical, obscure, turgid, or worse. I don’t imagine many book groups eagerly reading, say, *Diverting the Coasean River: Incentive Schemes to Reduce Unemployment Spells*,<sup>3</sup> or

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1. Notwithstanding one sprightly review—see Kent C. Olson, *Book Review of 750 F.2d*, LEGAL REFERENCE SERVICES Q., Fall/Winter 1986, at 199—reporters are seldom “good reads.”
2. There are exceptions, of course. I talked to one colleague who said that when he was a law student he liked reading law reviews, just because he thought they were interesting.
3. JOHN J. DONOHUE, *DIVERTING THE COASEAN RIVER: INCENTIVE SCHEMES TO REDUCE UNEMPLOYMENT SPELLS* (1987) (American Bar Foundation working paper series).

*Biographical Sketches of the Bench and Bar of South Carolina*.<sup>4</sup> However, my book group read—and enjoyed—*A Civil Action*,<sup>5</sup> which I checked out from the library where I work. In fact, over the last twenty years or so, I have read many books that can be found in most law libraries.<sup>6</sup>

¶3 Last year, my colleague Cheryl Nyberg created a “Website of the Week” feature on our library’s Web site.<sup>7</sup> Some months later, our library director, Penny Hazelton, remarked that she liked the feature but wished that we could also promote some of the excellent print resources we have. Not that we had ignored print: we often include books in displays, and we sometimes feature new book jackets on a bulletin board. But could we do more? In response, another reference librarian, Ann Hemmens, began a “Book of the Week” feature in the “Law Library News” column of our law school newsletter.<sup>8</sup> I thought this was an excellent idea, and I found it fun to write up several entries for Ann to use when she needed copy. However, I wondered whether I was enthusiastic about recommending reading only because I like to read. Why should we recommend books to law students, law professors, or anyone else?

¶4 An important part of many reference transactions is recommending sources to answer particular questions or address particular problems. A lawyer asks for guidance on the standard of review, and we recommend an appellate practice manual with an appropriate chapter; a law student is puzzled by the concept of “unjust enrichment,” and we recommend a study aid or hornbook for contracts. The patrons will read something as a result of our recommendations, but this is not the sort of reading I want to explore. Let’s talk about discretionary reading—that is, reading that is not tied to a specific research need, whether it be preparing for class, preparing for trial, or writing a law review article.

¶5 People read for many reasons. In some situations, some people read sim-

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4. JOHN BELTON O’NEALL, *BIOGRAPHICAL SKETCHES OF THE BENCH AND BAR OF SOUTH CAROLINA* (1859). I pulled this example out of the library catalog without looking at the book, assuming that it would be of limited interest. However, it did make it onto a list of recommended reading. DEANS’ LIST OF RECOMMENDED READING FOR PRELAW AND LAW STUDENTS 22 (Julius J. Marke & Edward J. Bander comp., 2d ed. 1984) (“Recommended as of particular local interest for South Carolina by Dean Prince, Univ. of South Carolina.”).

5. JONATHAN HARR, *A CIVIL ACTION* (1996).

6. Small, highly focused collections may not have many books that can be characterized as “leisure reading,” but academic, county, and government libraries typically will. Even larger law firm libraries might have the occasional biography or history.

7. WEBSITE OF THE WEEK, Marian Gould Gallagher Law Library, Univ. of Wash. Sch. of Law, at <http://lib.law.washington.edu/webweek/webweek.html> (last visited Apr. 28, 2001).

8. The law school’s newsletter, the *Condon Crier*, is distributed in paper and via e-mail each week classes are in session. It includes announcements and information from various law school departments (e.g., Career Planning, Financial Aid) and student groups. For many years, a reference librarian has edited a “Law Library News” column with library announcements, research tips, trivia contests, and the like. Over the years, many of the research tips featured print sources. See LAW LIBRARY NEWS, Marian Gould Gallagher Law Library, Univ. of Wash. Sch. of Law, at <http://lib.law.washington.edu/news/LawLibNews.html> (last visited Apr. 28, 2001) (containing archive of columns, January 1999 to present).

ply to pass the time. However, most law library patrons seldom have large blocks of time with nothing to do: law students, lawyers, judges, and others in the legal community are notoriously busy—indeed, they are busy to the point of overload. They do not need a book to read just to have something to do.

¶6 Some people like to read in order to take a break from the work they have been doing. If they have been concentrating hard in order to work through technical, dry, complex texts, they might enjoy reading something that is fast-paced, funny, or easy to read. For those readers, in that situation, few books in a law library are likely to be as satisfying as almost anything found in a typical airport bookstore. Even though I am glad to have plodded through books by Morton Horwitz,<sup>9</sup> for quick reading pleasure give me books by Sue Grafton<sup>10</sup> and J.K. Rowling.<sup>11</sup> If a reader is in the mood for Dave Barry<sup>12</sup> or Tom Clancy,<sup>13</sup> there is no reason to suggest Grant Gilmore.<sup>14</sup>

¶7 So law library users do not need reading material to fill their time, and books in the typical law library usually will not satisfy their cravings for action or laughs. But there are other reasons people read books.

¶8 Some people like to read something that challenges them intellectually—even if they have already been challenged intellectually during the day by their work or studies. (This is not unlike the phenomenon of people who unwind by playing chess or solving devilishly difficult crossword puzzles.) Some people find it entertaining to learn something. (For some dilettantes, nearly anything will do; others are more selective). Many books in our collections can certainly address these desires. A reader could choose a biography, a doctrinal text, a book about jurisprudence, or an overview of another country's legal system.

¶9 Some people read to understand themselves and their place in the world. For such readers you might think first of self-help literature (e.g., books aimed at adult children of alcoholics, anorexics, or the anxiety prone). But I think of a much broader range of books. For example, when I was in my twenties, reading *A Room of One's Own*<sup>15</sup> helped me to think about what it might mean to be a woman and an intellectual, while reading *Working*<sup>16</sup> helped me to think about my relationship to work. When I was in my thirties, *Worlds of Pain*<sup>17</sup> gave me some insight into the role of class in my life. In my forties, books by amateur musi-

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9. MORTON J. HORWITZ, *THE TRANSFORMATION OF AMERICAN LAW, 1780–1860* (1977); MORTON J. HORWITZ, *THE TRANSFORMATION OF AMERICAN LAW, 1870–1960: THE CRISIS OF LEGAL ORTHODOXY* (1992).

10. E.g., SUE GRAFTON, *A IS FOR ALIBI: A KINSEY MILLHONEY MYSTERY* (1982).

11. E.g., J.K. ROWLING, *HARRY POTTER AND THE SORCERER'S STONE* (1998).

12. E.g., DAVE BARRY, *DAVE BARRY'S COMPLETE GUIDE TO GUYS: A FAIRLY SHORT BOOK* (1995).

13. E.g., TOM CLANCY, *THE HUNT FOR RED OCTOBER* (1984).

14. E.g., GRANT GILMORE, *THE DEATH OF CONTRACT* (1974); GRANT GILMORE, *THE AGES OF AMERICAN LAW* (1977).

15. VIRGINIA WOOLF, *A ROOM OF ONE'S OWN* (1929).

16. STUDS TERKEL, *WORKING* (1975).

17. LILLIAN BRESLOW RUBIN, *WORLDS OF PAIN: LIFE IN THE WORKING-CLASS FAMILY* (1976).

cians<sup>18</sup> encouraged me in my own music. I could give many more examples of books that have taught me something about myself, but my point here is not to present my autobiography in the form of a reading list. Rather, I want to demonstrate that books that are ostensibly about something else can help readers understand themselves (while also increasing the readers' knowledge of their primary topic). Perhaps we are used to thinking of novels as satisfying these sort of emotional needs, but history, biography, social science, journalism, and many other nonfiction genres can, too—even law.

¶10 Not everyone finds reading books a rewarding path to self-discovery. However, I think some portion of the legal community might. After all, our law students are generally bright and well educated, with strong backgrounds in the liberal arts. Some of them undoubtedly read serious nonfiction before they came to law school; why would they not continue to read it from time to time? The same holds for lawyers and judges. (I am not saying anything is wrong with someone who prefers newspapers or movies or basketball to reading serious nonfiction, just that some of our patrons might sometimes enjoy such reading.)

¶11 What are the sorts of books typically found in a law library that might address an individual's desire for self-discovery? First, there are books that are explicitly aimed at law students. *Looking at Law School*,<sup>19</sup> a project of the Society of American Law Teachers, addresses law school applicants, but can also be profitably read by students already in school. Some chapters specifically address particular groups, such as gay and lesbian students or students of color. There are many other books aimed at law students.<sup>20</sup> Other books are aimed at young lawyers or lawyers considering career moves.<sup>21</sup> These might be considered analogous to self-help books. But there are many other types of books in our collections that offer valuable perspectives.

¶12 Law school is an intense and often overwhelming experience. One response is to read something wholly unrelated, but another response is to read

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18. WAYNE BOOTH, *FOR THE LOVE OF IT: AMATEURING AND ITS RIVALS* (1999); NOAH ADAMS, *PIANO LESSONS: MUSIC, LOVE & TRUE ADVENTURES* (1996).
  19. *LOOKING AT LAW SCHOOL: A STUDENT GUIDE FROM THE SOCIETY OF AMERICAN LAW TEACHERS* (Stephen Gillers ed., 4th ed. 1997).
  20. *E.g.*, ATTICUS FALCON, *PLANET LAW SCHOOL: WHAT YOU NEED TO KNOW (BEFORE YOU GO)—BUT DIDN'T KNOW TO ASK* (1998); ROBERT H. MILLER, *LAW SCHOOL CONFIDENTIAL: THE COMPLETE LAW SCHOOL SURVIVAL GUIDE: BY STUDENTS, FOR STUDENTS* (2000).
  21. *E.g.*, DEBORAH ARRON, *WHAT CAN YOU DO WITH A LAW DEGREE? A LAWYER'S GUIDE TO CAREER ALTERNATIVES INSIDE, OUTSIDE & AROUND THE LAW* (1999); JAY A. FOONBERG, *HOW TO START AND BUILD A LAW PRACTICE* (4th ed. 1999); GEORGE W. KAUFMAN, *THE LAWYER'S GUIDE TO BALANCING LIFE AND WORK: TAKING THE STRESS OUT OF SUCCESS* (1999); THANE JOSEF MESSINGER, *THE YOUNG LAWYER'S JUNGLE BOOK: A SURVIVAL GUIDE* (1996); KATHY MORRIS, *OBJECTION OVERRULED: OVERCOMING OBSTACLES IN THE LAWYER JOB SEARCH* (2000); SUZANNE B. O'NEILL & CATHERINE GERHAUSER SPARKMAN, *FROM LAW SCHOOL TO LAW PRACTICE: THE NEW ASSOCIATE'S GUIDE* (2d ed. 1998).

more about it.<sup>22</sup> For instance, when I was a law student, I read a book about the history of Harvard Law School.<sup>23</sup> Immersed in the experience, I found it interesting to read and think about it: Why was the Socratic method seen as an innovation? When did moot court become mandatory? Why was there such resistance to admitting women? Reading *Unequal Justice*<sup>24</sup> around that time also contributed to my understanding of legal education and, more broadly, the profession I was entering. Later, when I began working in law schools, I found it valuable to read Robert Stevens's *Law School*,<sup>25</sup> for similar reasons.

¶13 Reading about lawyers and the legal profession can help a student or young lawyer understand and feel a part of the profession. This works on at least two levels. First, if one reads a book about law practice—say, *The Partners* or *The Prosecutors* by James Stewart<sup>26</sup>—then one learns something about how the profession works. Second, learning a little about some of the profession's stars is a way to fit in. If you want to be comfortable hanging out with baseball fans, you should recognize the names Christy Mathewson, Brooks Robinson, and Roberto Clemente. Likewise, to fit in with lawyers it does not hurt to know something about William O. Douglas, Clarence Darrow, and Thurgood Marshall. Well-written biographies, memoirs, and histories can be great fun (or at least interesting to read on a quiet evening).

¶14 Some books in our collections can also help students and lawyers connect with what inspired them to the law in the first place. For instance, in college a student might major in political science or history and love a class about constitutional history, only to find that the first year of law school is not about that at all. Reading some legal history over the summer might rekindle the student's interest. Someone else might have come to law school because of a passion for civil rights work. Reading about the litigation strategy that led to *Brown v. Board of Education*<sup>27</sup> could motivate the student to make it through contracts, torts, civil procedure, and other courses that do not seem directly relevant to civil rights. Likewise, students who are interested in environmental law, international law, or any other topic, might read to develop their interest outside of class. Lawyers and

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22. Scott Turow's memoir of his first year of law school remains popular with students contemplating law school or trying to understand their own experience. SCOTT TUROW, *ONE L* (1977). Some students appreciate a radical critique, e.g., DUNCAN KENNEDY, *LEGAL EDUCATION AND THE REPRODUCTION OF HIERARCHY: A POLEMIC AGAINST THE SYSTEM* (1983).

23. JOEL SELIGMAN, *THE HIGH CITADEL: THE INFLUENCE OF HARVARD LAW SCHOOL* (1978).

24. JEROLD S. AUERBACH, *UNEQUAL JUSTICE: LAWYERS AND SOCIAL CHANGE IN MODERN AMERICA* (1976).

25. ROBERT STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850s TO THE 1980s* (1983).

26. JAMES B. STEWART, *THE PARTNERS: INSIDE AMERICA'S MOST POWERFUL LAW FIRMS* (1983); JAMES B. STEWART, *THE PROSECUTORS: INSIDE THE OFFICES OF THE GOVERNMENT'S MOST POWERFUL LAWYERS* (1987).

27. See RICHARD KLUGER, *SIMPLE JUSTICE: THE HISTORY OF BROWN V. BOARD OF EDUCATION AND BLACK AMERICA'S STRUGGLE FOR EQUALITY* (1976).

judges might also find it rewarding to read books that evoke their first fascination with law. Making a living—and serving one's clients well and ethically—may inevitably include some work that is tedious or unexciting, but one can always read about historic controversies, famous trials, or heroes of the profession.

¶15 Not only can books connect a student or lawyer with the legal profession—they can also connect readers with their larger communities. Tobacco,<sup>28</sup> elections,<sup>29</sup> cloning,<sup>30</sup> affirmative action,<sup>31</sup> and endangered species<sup>32</sup> are of concern to many, not just lawyers, but the legal system plays an important role in these controversies. A lawyer might specialize in a wholly unrelated field, but want to know at least enough about an important current issue to talk intelligently with friends who are not lawyers but are well read.

¶16 I have convinced myself (even if I haven't convinced you) that many books in law libraries are worth reading. I admit, though, that I do not have a steady stream of patrons coming to me asking for recommendations. In fact, I do not recall *anyone* coming to me in the Reference Office and saying, "Could you recommend a good book to read?" And I certainly do not get requests like: "I'm looking for something interesting to read, perhaps something that will expand my knowledge of the legal profession or stimulate deeper thinking about the law's role in race relations. Could you suggest a few titles?" Public librarians get readers' advisory requests often; in one survey, two-thirds reported receiving readers' advisory questions at least once a day.<sup>33</sup> However, leisure reading is at best a sideline in law libraries. So what's a law librarian who wants to spread the news about the "good reads" in the law library to do?

¶17 Using our bulletin boards<sup>34</sup> to display new book jackets is a start. People do like to see what is new, and displaying an attractive jacket does draw attention

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28. See, e.g., STANTON A. GLANTZ & EDITH D. BALBACH, *TOBACCO WAR: INSIDE THE CALIFORNIA BATTLES* (2000); MICHAEL OREY, *ASSUMING THE RISK: THE MAVERICKS, THE LAWYERS, AND THE WHISTLE-BLOWERS WHO BEAT BIG TOBACCO* (1999); RICHARD KLUGER, *ASHES TO ASHES: AMERICA'S HUNDRED-YEAR CIGARETTE WAR, THE PUBLIC HEALTH, AND THE UNABASHED TRIUMPH OF PHILIP MORRIS* (1997).
  29. See, e.g., SAMUEL ISSACHAROFF ET AL., *WHEN ELECTIONS GO BAD: THE LAW OF DEMOCRACY AND THE PRESIDENTIAL ELECTION OF 2000* (2001).
  30. See, e.g., LORI B. ANDREWS, *THE CLONE AGE: ADVENTURES IN THE NEW WORLD OF REPRODUCTIVE TECHNOLOGY* (1999).
  31. See, e.g., GIRARDEAU A. SPANN, *THE LAW OF AFFIRMATIVE ACTION: TWENTY-FIVE YEARS OF SUPREME COURT DECISIONS ON RACE AND REMEDIES* (2000).
  32. See, e.g., ROBERTA ULRICH, *EMPTY NETS: INDIANS, DAMS, AND THE COLUMBIA RIVER* (1999); JIM LICHTATOWICH, *SALMON WITHOUT RIVERS: A HISTORY OF THE PACIFIC SALMON CRISIS* (1999); JOSEPH CONE, *A COMMON FATE: ENDANGERED SALMON AND THE PEOPLE OF THE PACIFIC NORTHWEST* (1995).
  33. Robert Burgin, *Readers' Advisory in Public Libraries: An Overview of Current Practice*, in *GUIDING THE READER TO THE NEXT BOOK* 71, 74 (Kenneth D. Shearer ed., 1996).
  34. Some libraries now feature book jackets of new books on their Web sites. See, e.g., *SELECTED NEW BOOKS AT BIDDLE*, Biddle Law Library, Univ. of Pa. Law Sch., at [http://www.law.upenn.edu/bll/new\\_books/newbks2.htm](http://www.law.upenn.edu/bll/new_books/newbks2.htm) (last visited Apr. 28, 2001); *NEW AND NOTABLE*, Seattle Univ. Law Library, at <http://www.law.seattleu.edu/library/Newsletter/notable.html> (last visited Apr. 6, 2001).

to a new book. However, new books are just a slice of the books in a law library that are worth reading. When I talked to two law professors about this topic, they immediately recommended books that they had enjoyed and that had contributed to their understanding of the legal system.<sup>35</sup> Neither book was at all recent, so a bulletin board limited to "new books" would fail to call them to the attention of potential readers. So displays, newsletter articles, and other methods we use to promote the law library's "good reads" should include older works as well as new ones.

¶18 Word of mouth is a very powerful force. Perhaps we librarians could help it along. Students may be swayed by a professor's recommendation in class, and a lawyer might be tempted to read a book suggested by a colleague, so we should consider adding such "reader's picks" to our bulletin boards or newsletters. And of course we can include our own suggestions (even though some patrons might discount them because librarians are perceived to be bookworms). Customers like to see cards at bookstores with personalized notes about books that staff or other readers have enjoyed—why not in a law library as well? Maybe one day such notes could be included on a library's Web site or added to its enhanced catalog, so that someone looking for a "good read" could search that way.<sup>36</sup>

¶19 Despite law books' well-deserved reputation for dryness, some can make good leisure reading. In books about law, readers can find intellectual challenge; a greater understanding of their profession, its institutions, and its history; and a connection to their communities. While most of our reference work is instrumental—helping patrons satisfy specific research needs for specific projects—we should also consider opening the door to some of this valuable discretionary reading.

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35. CATHERINE DRINKER BOWEN, *THE LION AND THE THRONE: THE LIFE AND TIMES OF SIR EDWARD COKE (1552-1634)* (1957); CHARLES REMBAR, *THE LAW OF THE LAND: THE EVOLUTION OF OUR LEGAL SYSTEM* (1980).

36. I am cautious about proposing sweeping changes to cataloging practices. It could create a big mess to have reader comments—à la Amazon.com—mixed in with precise, proofread, regimented, authority-controlled catalog records. Thus, I would favor experimenting with a "good reads" page on a Web site before trying to add recommendations to the catalog. For an interesting proposal, see Michael E.D. Koenig, *Linking Library Users: A Culture Change in Librarianship; Let Patrons Evaluate Materials—in Your Automated Catalogs*, 21 AM. LIBR. 844 (1990).



